

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

NGM INSURANCE COMPANY,	:	No. 1:09-CV-1717
Plaintiff	:	
	:	(Chief Judge Kane)
v.	:	
	:	
STOLTZFUS CONSTRUCTION, LLC,	:	
<u>et al.</u>,	:	
Defendants	:	

ORDER

Before the Court in the above-captioned action is a January 10, 2011 report of Magistrate Judge William T. Prince recommending that: (1) Plaintiff's motion for summary judgment be granted; (2) Defendants' motion for summary judgment be denied; and (3) the Court find that Stoltzfus Construction, LLC, was not an additional insured under Fullerton Landscapes, LLC's insurance policy with Farm Family Casualty Insurance Company. No timely objections have been filed.

ACCORDINGLY, on this 31st day of January 2011, upon review of the record and the applicable law, **IT IS HEREBY ORDERED THAT:**

1. The Report and Recommendation of Magistrate Judge Prince (Doc. No. 32) is **ADOPTED**.
2. Plaintiff's motion for summary judgment (Doc. No. 25) is **GRANTED**.
3. Defendants' motion for summary judgment (Doc. No. 23) is **DENIED**.
4. The Court finds that Stoltzfus Construction, LLC, was not an additional insured under Fullerton Landscapes, LLC's insurance policy with Farm Family Casualty Insurance Company.
5. The Clerk of Court shall close the file.

S/ Yvette Kane
Yvette Kane, Chief Judge

United States District Court
Middle District of Pennsylvania